

Lamoine Gravel Ordinance Process Comparison  
May 6, 2014

2011 Version	2014 Version
<p><b>Section 7A: Permit Required</b></p> <p>After the effective date of this Ordinance, no person, firm or corporation shall engage in any gravel excavation or processing operation requiring a permit without the gravel pit owner first obtaining a permit from the Lamoine Planning Board.</p>	<p><b>SECTION 7. ADMINISTRATION</b></p> <p>A. Permit Required.</p> <p>No person shall engage in, or permit, the excavation, extraction, processing, storage or transportation of Gravel (said activities hereinafter "Gravel Operations") where the scope of such Gravel Operations exceeds or will exceed one acre or from which more than five hundred (500) cubic yards of Gravel have or will be removed without first obtaining a permit (said permit hereinafter "Gravel Permit") from the Lamoine Planning Board.</p>
<p><b>Section 7B – Procedure</b></p> <p>1. <u>Fees.</u> An application for any permit required by this ordinance shall be accompanied by fee(s) as established by the Lamoine Board of Selectmen. No action shall be taken on any application until the fee(s) have been received by the Town. The application fee(s) shall not be refundable. The fee(s) shall be paid to the Town of Lamoine and shall accrue to the Code Enforcement Fund to be used for the administration and enforcement of town ordinances. A Schedule of Fees is located at the Town Office.</p>	<p><b>Section 7 B - Application Fee.</b></p> <p>An application fee for a Gravel Permit required by this Ordinance shall be paid with the application. The amount of the fee is established by Lamoine Board of Selectmen; a Schedule of Fees is located at the Town Office. The fee, which is non-refundable, shall be paid to the Town of Lamoine, shall accrue to the Code Enforcement Fund and shall be used for the administration and enforcement of Town ordinances. An application shall not be considered by the Planning Board until such fee has been received by the Town.</p>
<p>2. <u>Timetables and Hearings</u></p> <p>a. Within forty-five (45) days of receipt of a complete application for renewal of a permit not yet expired, the Board shall hold a site visit and may additionally hold a public hearing.</p> <p>b. Within forty-five (45) days of receipt of a complete</p>	<p>7E. Procedure</p> <p>1. Review of Application for Completeness</p> <p>The Planning Board shall review an application for a Gravel Permit to determine whether the application is complete. The Board shall also review the findings of the Code Enforcement Officer's Annual Compliance Inspection(s) for the Parcel in question if the same was previously permitted for Gravel Operations. If the Board determines the application is not complete, it shall inform the applicant of the</p>

application for renewal of a permit which has expired, the Board shall hold both a site visit and a public hearing.

c. Within forty-five (45) days of receipt of a complete application for a new pit, the Board shall hold a site visit and a public hearing.

***Within forty-five (45) days of a public hearing, or within seventy-five (75) days of the receipt of a complete application, or unless an agreement is made between the applicant and the Planning Board to extend the time, the Planning Board shall, in writing, either approve, approve with conditions or disapprove the application***

information necessary to make the application complete.

## **2. Site Walk**

Within forty-five (45) days of receipt of a complete application, the Board shall visit the Parcel proposed for Gravel Operations to verify in the field the location of the site, boundaries, natural features, access roads, and other information presented in the application. Following the site walk, the Board may require additional information to be submitted by the applicant.

## **3. Public Hearing**

Within forty-five (45) days of receipt of a complete application, but after the site walk noted in E.2. above, the Board shall hold a public hearing regarding the application. The Town of Lamoine shall publish, at the expense of the applicant, notice of the date, time, and place of the hearing in a newspaper of general circulation at least twice, the date of the first publication to be not less than ten (10) days prior to the hearing. In addition, the Town shall mail, by certified mail (return receipt requested) and at the expense of the applicant, a notice of the public hearing to all abutters of the Parcel on which Gravel Operations are proposed not less than ten (10) days prior to the hearing. Following the public hearing, the Board may require additional information to be submitted by the applicant.

***(note that section 4 is compared to former ordinance 7c12)***

## **5. Planning Board Decision**

Within seventy-five (75) days of receipt of a complete application or, if additional information as noted in E.2, E.3, and E.4 above is required, at a mutually agreed upon later time, but after the Site Walk and Public Hearing, the Board shall grant without conditions, or grant with conditions, or deny the permit. The Board shall grant the permit, either without or with conditions, if the Board makes a positive finding, based on all the information available to the Board,

	that the proposed Gravel Operations are in conformance with the Performance Standards set forth in Section 8.
<b>C. Submission</b> The application for a permit shall be submitted to the Planning Board accompanied by the following information: 1. The name and current address of the record owner of the property involved.	C. Application An applicant for a Gravel Permit shall provide, in writing, all information required below. A fully executed original and nine copies of the application shall be submitted to the Lamoine Town Office not less than fourteen (14) days prior to a regularly scheduled meeting of the Board. The application shall contain the following: 1. General information. (Note: Items a. – g. shall be entered on the Lamoine Gravel Ordinance Permit Application cover sheet. Answers to items h. – k. shall be inserted in the body of the application.) a. Name and current address of owner of record of the Parcel on which Gravel Operations are proposed.
2. The name and current address of the individual, firm or corporation working the site if different from the record owner.	b. Name and current address of the applicant (individual, firm or corporation) seeking the Gravel Permit, if different from the parcel owner. c. Name assigned to the proposed Gravel Operations.
3. A to scale plot plan showing the location and boundaries of the site and the name and location of abutting property owners.	f. The assessors' tax map and lot number of the Parcel on which Gravel Operations are proposed. i. Names and addresses of all owners of property within five hundred (500) feet of the property lines of the Parcel on which Gravel Operations are proposed; and the assessors' tax maps and lot numbers of those properties 7 C 2 b the location, bearings and distances of the boundaries of the Gravel Pit.
4. The existing contours of the land within and extending beyond the above boundaries for 100 feet at intervals	7 C 2 a (3) existing elevations and contours of the land both within and extending one hundred (100) feet beyond the boundaries of the Parcel at intervals not to exceed ten (10)

<p>not to exceed 10 feet in elevation. The scale used in defining contours shall appear on the plot plan.</p>	<p>feet in elevation. The scale used to define contours shall appear on the Plan and be expressed in "feet above sea level".</p>
<p>5. Maps</p> <ol style="list-style-type: none"> <li>a. For renewal of a permit (see Section 7. B. Procedure above), a map which clearly indicates (by color coding or other method): <ol style="list-style-type: none"> <li>i. the area included in the applicant's extraction operation for the three years immediately preceding this permit application</li> <li>ii. the area of intended extraction during the three years covered by this permit application</li> <li>iii. any areas of the pit which have been fully restored</li> <li>iv. any area of the pit from which no further extraction is anticipated (closed portion)</li> </ol> </li> <li>b. For a new permit (see Section 7.B. Procedure above), a map which clearly indicates (by color coding or other method): <ol style="list-style-type: none"> <li>i. areas restored (if applicable) during the three years immediately preceding this permit application</li> <li>ii. areas anticipated to be restored during the three years covered by this permit application</li> <li>iii. any areas of the pit which have been fully restored</li> </ol> </li> </ol>	<p>2. Existing Conditions</p> <ol style="list-style-type: none"> <li>a. The applicant shall provide a to-scale plot plan (hereinafter "Plan") showing: <ol style="list-style-type: none"> <li>(1) location, bearings and distances of all property lines of the Parcel on which Gravel Operations are proposed.</li> <li>(2) location of all properties abutting the Parcel, the names of the owners of these abutting properties, and the assessors' tax map and lot number of each abutting property.</li> <li>(4) locations, names and widths of existing roads and rights-of-way within or adjacent to the Parcel on which Gravel Operations are proposed.</li> <li>(5) direction of existing surface water drainage (flow) across the Parcel.</li> <li>(6) location of any private water supplies located within three hundred (300) feet of any boundary of the proposed Gravel Operations.</li> <li>(7) location of any public water supply located within 1,000 feet of any boundary of the proposed Gravel Operations.</li> <li>(8) location of open drainage courses (streams and springs), wetlands, stonewalls, graveyards, fences, stands of trees, and other important or unique natural areas and site features within the Parcel on which Gravel Operations are proposed, including, but not limited to, floodplains, deer wintering areas, significant wildlife habitats, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with a descriptions of such features.</li> </ol> </li> </ol>
<p>6. The location of all proposed access roads and</p>	<p>7 C 4 f. the location of all access roads, existing and</p>

<p>temporary structures.</p> <p>7. The proposed provisions for drainage and erosion control.</p>	<p>proposed, from a public roadway to the proposed Pit.</p> <p>7 C 4 g. the location and dimensions of all buildings and structures, existing and proposed, whether temporary or permanent, within the Parcel.</p>
<p>8. The estimated longevity of the gravel pit and/or extraction operation based on the annual removal rate of the last 12 consecutive months prior to the application. For a new pit submit a best estimate.</p>	<p>7 C 5 The estimated longevity of the Gravel Pit based on anticipated removal rates.</p>
<p>9. An indication of the financial capacity of the applicant to carry out the necessary site restoration.</p>	<p>k. A statement from a bank or other financial institution indicating that the applicant has sufficient resources to fulfill the obligations required by this Ordinance (including Restoration as hereinafter defined) and any other activities which may be required by the Planning Board.</p>
<p>10. A detailed landscaping/vegetation plan defining the manner that the gravel pit shall be returned to as near a natural state as is practical by grading, filling, draining and planting. The landscaping/vegetation plan shall contain a general schedule for implementation of the restoration of the pit with a detailed schedule for restoration to be completed within the duration of the permit.</p>	<p>7 C 4 b. the area(s) of proposed Restoration during the life of the permit.</p> <p>7 C 12 A written Restoration Plan describing in detail the manner in which the Gravel Pit shall be restored in accordance with the provisions described in Section 8. D.</p>
<p>11. Prior to the October CEO annual inspection each operator shall provide a written statement to the CEO stating whether or not 200 cubic yards were removed during the previous 1 October to 30 September 12 month period.</p>	
<p>12. Any other information the Planning Board may deem necessary to indicate the hydrology, the physical characteristics of the site, the extent of proposed operations, and compliance with the performance standards.</p>	<p>Section 7 E – Additional information.</p> <p>The Planning Board may also require an independent evaluation and/or study in addition to information provided by the applicant. This evaluation and/or study shall be done by</p>

	<p>a person or firm of the Board's choosing. Said person or firm shall be required to estimate the cost of an evaluation or study and the applicant shall pay to the Town of Lamoine the full estimated cost. At the completion of the evaluation or study, any balance due shall be paid to the Town by the applicant or any balance remaining shall be returned to the applicant.</p> <p>7 C 13 Note: The Planning Board may require additional information from the applicant in addition to that requested in the application as set forth above. See 7.E. below.</p> <p>7 D The Planning Board may modify or waive any of the requirements set forth in 7.C. above when the Board determines that such modification or such waiver of said requirements would not adversely affect the general health, safety and welfare of the residents of the Town or otherwise be converse to the purposes and intent of this Gravel Ordinance.</p>
13. Plans for any anticipated washing operation, to include any proposal to use ground water extraction from the site to provide for same, demonstrating that the operation will not lower the ground water level at the boundaries of the area by more than two feet, or to the detriment of any existing ground water use.	7 C 8 A written plan describing any proposed washing operation and its impact on existing ground water quantity and quality.
14. A plan for monitoring separation of excavation limits from the average seasonally high water table.	7 C 7 A written plan for monitoring the separation distance between the excavation floor of the Pit and the average seasonal high water table.
	d. Length of permit applied for (may not exceed three [3] years).
	e. The Land Use District in which the Parcel is located.
	g. A copy of the deed, option to purchase, lease, or other evidence of the applicant's title, right or interest in the Parcel.

	h. The status of the current property tax payment.
	j. The name and registration number of the land surveyor, engineer, soils scientist, and/or similar professional(s), if any, who prepared the Plan (required in C.2. below) submitted on behalf of the applicant.
	7 C 2 b. The applicant shall provide documentation of the average seasonal high water table level (expressed in feet above mean sea level) within the area where Gravel Operations are proposed. The water table shall be determined by use of monitoring wells. At least one monitoring well shall be installed for each five (5) acres, and additional fraction thereof, of proposed Gravel Operations in order to determine the average seasonal high water table of the entire area for which a Gravel Permit is sought.
	7 C 2 c. The applicant shall provide documentation of water quality as determined from samples taken from each monitoring well. Field parameters measured and recorded at each sampling event shall be pH, specific conductance, turbidity, and temperature. Laboratory analyses shall include iron, manganese, Volatile Petroleum Hydrocarbons and Extractable Petroleum Hydrocarbons. Samples shall be taken by a certified professional hydrologist or registered professional engineer and analyses shall be completed by an approved laboratory.
	7 C 3 On the to-scale plot plan required in C.2.a. above, the applicant shall also indicate: a. the portion of the Parcel for which the applicant seeks a Gravel Permit (hereinafter called the "Gravel Pit" or "Pit").
	7 C 3 c. location of all setbacks and buffers within the Parcel.
	7 C 3 d. the area, in acres, of the Pit.
	7 C 4. Proposed Operations On the to-scale plot plan required in C.2.a. above, the applicant shall also indicate, with color, grids or other means: a. the area(s) of proposed Gravel Operations during the life of the permit.

	7 C 4 c. if applicable, the area(s) of Gravel Operations during the life of the immediate prior permit.
	7 C 4 d. if applicable, the area(s) of Restoration during the life of the immediate prior permit.
	7 C 4 e. the buffer strip(s) to be maintained as required in Section 8. A.
	7 C 4 h. the size, location, intensity and direction of all outdoor lighting.
	7 C 4 i. location of any proposed hazardous material storage areas including, but not limited to, fuel storage and handling.
	7 C 4 j. location of observational well(s), existing or to be installed, to be used to monitor the separation distance between the excavation floor of the Pit and the average seasonal high water table elevation.
	7 C 6 A written plan describing how setback and screening requirements as set forth in Sections 8.A. & 8.B. shall be met.
	7 C 9 The type, size and location of any equipment, plans for blasting, or other procedures that are likely to generate appreciable noise at the lot lines.
	7 C 10 An estimate of the average daily traffic generated by Gravel Operations during periods of operation.
	7 C 11 A written soil erosion and sedimentation control plan prepared in accordance with the standards contained in the latest revision Best Management Practices established by the State. Indicate any catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers to be installed or created on the Plan.
	7 C 13 Copies of all submissions to, and permits or licenses issued by, federal or state agencies with regard to Gravel Operations on the Parcel.